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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/677,933	10/01/2003	Richard H. Boivic	YOR920030398US1 (8728-647	9603

46069	7590	07/10/2007

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EXAMINER
ALMEIDA, DEVIN E

ART UNIT	PAPER NUMBER
2132	

MAIL DATE	DELIVERY MODE
07/10/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

		Application No.	Applicant(s)
Advisory Action *** Before the Filing of an Appeal Brief***		10/677,933	BOIVIE ET AL.
		Examiner	Art Unit	
		Devin Almeida	2132	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 25 June 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☐ The period for reply expires_____months from the mailing date of the final rejection.

   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

      Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will **not** be entered because

   (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b)☐ They raise the issue of new matter (see NOTE below);

   (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

      NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: *11, 13-22*.

   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will **not** be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will **not** be entered because the affidavit or other evidence failed to overcome **all** rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.

13. ☐ Other: _____.

GILBERTO BARRON JR

SUPERVISORY PATENT EXAMINER

TECHNOLOGY CENTER 2100

Continuation of 11. does NOT place the application in condition for allowance because: Response to Argument s
Applicant's arguments with respect to the 35 USC 112 second paragraph as being indefinite for failing to particularly point out and
distinctly claim the subject matter which applicant regards as the invention is persuasive. Through applicant admission th at the claim is
only is directed to "branching to then branching to a copy of said authorized code in said protected memory to begin execution and
performing inline decryption of the copy of said authorized code in said protected memory" if the original di gital signature is verified. This
step does not have to be completed if the original digital signature is not verified. The rejection is withdrawn.
       Applicant's arguments with respect to the 35 USC 103(a) rejection to claims 1 -6, 9-16, 18 and 19-22 are not persuasive.
Applicant is reminded that the step of "branching to then branching to a copy of said authorized code in said protected memory to begin
execution and performing inline decryption of the copy of said authorized code in said protected memory" o nly if the original digital
signature is verified. Ober teaches applying an original digital signature (see column 2 lines 4 -19 and 55-58) to all authorized code (see
column 2 lines 4-19 and 55-58 i.e. application program or encryption algorithm); storing said signed authorized code in a protected
memory (see column 2 lines 4 -19 and 55-58), wherein said protected memory is cryptographically protected (see column 2 lines 4 -19
and 55-58 i.e. digital signed is a type of cryptographically protected); preparing to execute code from the protected memory by verifying a
digital signature used to sign said code in accordance with a public key, which corresponds to said original digital signature (see column
3 lines 46-62). Ober teaches that if the signature do not ma tch the process is aborted and rejected (see column 3 lines 46 -62).
Applicant's arguments that does not teach Ober also teaches "branching to then branching to a copy of said authorized code in said
protected memory to begin execution and performing inline decryption of the copy of said authorized code in said protected memory".
Ober was only used to reject "branching to then branching to a copy of said authorized code in said protected memory to begin
execution". Mogan was used to reject "performing inlin e decryption of the copy of said authorized code". Ober teaches if the digital
signatures match, the authorized code in the protected memory is ready to execute. Morgan teaches the authorized code can be
encrypted and if the code is encrypted then it has t o decrypt before it can be executed..